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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,605	12/31/2003	James H. Watt	RPI-123US	1521
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RATNERPRESTIA P.O. BOX 980 VALLEY FORGE, PA 19482			EXAMINER WON, MICHAEL YOUNG	
			ART UNIT 2455	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/750,605

**Applicant(s)**

WATT, JAMES H.

**Examiner**

MICHAEL Y. WON

**Art Unit**

2455

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 42-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 42-58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This action is in response to the amendment filed December 30, 2008.
2. Claims 42, 45, 46, and 48-53 have been amended and new claims 54-58 have been added.
3. Claims 42-58 have been examined and are pending with this action.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. The previous rejection of claims 42, 46, 48, 49, 51, and 53 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, has been withdrawn.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 42-58 are rejected under 35 U.S.C. 102(b) as being anticipated by Berger et al. (US 5,948,057).

INDEPENDENT:

As per **claim 42**, Berger teaches a method of modifying on a server an order of audio/video messages created by respective users at respective workstations (see col.1, lines 37-40: "audio/video conference"), the method comprising:

(a) creating a first audio/video message on a first workstation at a first time (see col.3, lines 7-21: "create operations of data sets of the data file or data copies");

(b) transferring a duplicate of the created first audio/video message to the server (see Fig.7 and col.5, lines 57-63: "the messages about changes made to the data copies DK<sub>i</sub> that are respectively stored in the memories SP<sub>i</sub> of the respective computers R<sub>i</sub>");

(c) storing the duplicate of the created first audio/video message on the server (see Fig.7 and col.5, lines 57-63: "the messages about changes made to the data copies DK<sub>i</sub> that are respectively stored in the memories SP<sub>i</sub> of the respective computers R<sub>i</sub>");

(d) creating at least a second audio/video message on a second workstation at a second time later than the first time (see col.3, lines 33-39: "all delete operations or create operations");

(e) transferring a duplicate of the created second audio/video message to the server (see Fig.7 and col.5, lines 57-63: "the messages about changes made to the

data copies DK<sub>i</sub> that are respectively stored in the memories SP<sub>i</sub> of the respective computers R<sub>i</sub>"); and

(f) placing the duplicate of the created at least second audio/video message on the server in a temporally independent pseudo-chronology relative to the duplicate of the created first audio/video message (see Fig.6; Fig.7; and col.5, lines 57-65: "are immediately transmitted to all other computers R<sub>i</sub> in the same chronological sequence as the implemented changes"), a position of the duplicate of the created at least second audio/video message in the pseudo-chronology being determined by a user of the second workstation (see col.7, lines 27-31: "When a conflict between the at least two protocol data files PD<sub>i</sub> to be compared to one another has been recognized, then the respective change proposal is made to the users that have the protocol data files PD<sub>i</sub> stored at the respective computers");

(g) storing on the server the duplicate of the created first audio/video message and the duplicate of the created at least second audio/video message in the temporally independent pseudo-chronology (see col.8, lines 62-67: "to be completely newly employed in the data file D, then the respective information space IU is copied into the data file as a whole") .

As per **claim 45**, Berger teaches a method of modifying a sequence of audio/video messages (see col.1, lines 37-40: "audio/video conference") stored on a workstation, the method comprising:

(a) creating on the workstation at a first time a first audio/video message (see col.3, lines 7-21: "create operations of data sets of the data file or data copies");

(b) storing the first audio/video message on the workstation (see Fig.7: DATA COPY DKi);

(c) creating on the workstation at a second time later than the first time at least a second audio/video message (see col.3, lines 33-39: "all delete operations or create operations");

(d) placing and storing the at least second audio/video message on the workstation in a temporally independent pseudo-chronology relative to the first audio/video message (see Fig.6; Fig.7; and col.5, lines 57-65: "the messages about changes made to the data copies DKi that are respectively stored in the memories SPi of the respective computers Ri, are immediately transmitted to all other computers Ri in the same chronological sequence as the implemented changes"), a position of the at least second audio/video message in the pseudo-chronology being determined by a user of the workstation (see col.7, lines 27-31: "When a conflict between the at least two protocol data files PDi to be compared to one another has been recognized, then the respective change proposal is made to the users that have the protocol data files PDi stored at the respective computers"); and

(e) storing the first audio/video message and the at least second audio/video message on the workstation in the temporally independent pseudo-chronology (see Fig.6; Fig.7; and col.5, lines 57-65: "are immediately transmitted to all other computers Ri in the same chronological sequence as the implemented changes").

As per **claim 50**, Berger teaches a method of modifying a sequence of audio/video messages (see col.1, lines 37-40: "audio/video conference") stored on a workstation, the method comprising:

(a) receiving on the workstation at a first time at least one audio/video message from a server, the at least one audio/video message being a duplicate of an audio/video message created on a second workstation;

(b) creating on the workstation at a second time later than the first time at least a second audio/video message (see col.3, lines 33-39: "all delete operations or create operations");

(c) placing and storing the at least second audio/video message on the workstation in a temporally independent pseudo-chronology relative to the at least first audio/video message (see Fig.6; Fig.7; and col.5, lines 57-65: "the messages about changes made to the data copies DK<sub>i</sub> that are respectively stored in the memories SP<sub>i</sub> of the respective computers R<sub>i</sub>, are immediately transmitted to all other computers R<sub>i</sub> in the same chronological sequence as the implemented changes"), a position of the at least second audio/video message in the pseudo-chronology being determined by a user of the workstation (see col.7, lines 27-31: "When a conflict between the at least two protocol data files PD<sub>i</sub> to be compared to one another has been recognized, then the respective change proposal is made to the users that have the protocol data files PD<sub>i</sub> stored at the respective computers"); and

(d) storing the at least one audio/video message and the at least second audio/video message on the workstation in the temporally independent pseudo-chronology (see Fig.6; Fig.7; and col.5, lines 57-65: "are immediately transmitted to all other computers Ri in the same chronological sequence as the implemented changes").

As per **claim 52**, Berger teaches a method of modifying a sequence of audio/video messages (see col.1, lines 37-40: "audio/video conference") stored on a workstation, the method comprising:

(a) receiving on the workstation at a first time a plurality of audio/video messages in a first chronology from a server, each of the plurality of audio/video message being respective duplicates of an audio/video messages created at respective other workstations;

(b) creating on the workstation at a second time later than the first time at least an additional audio/video message (see col.3, lines 33-39: "all delete operations or create operations");

(c) placing the at least additional audio/video message on the workstation in a sequence relative to the plurality of audio/video messages (see Fig.6; Fig.7; and col.5, lines 57-65: "the messages about changes made to the data copies DKi that are respectively stored in the memories SPi of the respective computers Ri, are immediately transmitted to all other computers Ri in the same chronological sequence as the implemented changes"), a position of the at least additional audio/video message in the sequence being determined by a user of the workstation to form a second temporally



independent pseudo-chronology (see col.7, lines 27-31: "When a conflict between the at least two protocol data files PDi to be compared to one another has been recognized, then the respective change proposal is made to the users that have the protocol data files PDi stored at the respective computers"); and

(d) storing on the workstation the second temporally independent-pseudo chronology of audio/video messages formed in (c) (see Fig.6; Fig.7; and col.5, lines 57-65: "are immediately transmitted to all other computers Ri in the same chronological sequence as the implemented changes").

As per **claim 54**, Berger teaches a method of modifying a sequence of audio/video messages (see col.1, lines 37-40: "audio/video conference") stored on a workstation, the method comprising:

(a) creating on the workstation at a first time a first audio/video message (see col.3, lines 7-21: "create operations of data sets of the data file or data copies");

(b) storing the first audio/video message on the workstation (see Fig.7: DATA COPY DKi);

(c) creating on the workstation at a second time later than the first time at least a second audio/video message (see col.3, lines 33-39: "all delete operations or create operations");

(d) placing the at least second audio/video message on the workstation in a temporally independent pseudo-chronology relative to the first audio/video message, the temporally independent pseudo-chronology being determined when the at least

second audio/video message is placed on the workstation (see Fig.6; Fig.7; and col.5, lines 57-65: “the messages about changes made to the data copies DKi that are respectively stored in the memories SPi of the respective computers Ri, are immediately transmitted to all other computers Ri in the same chronological sequence as the implemented changes”); and

(e) storing the first audio/video message and the at least second audio/video message on the workstation in the temporally independent pseudo-chronology (see Fig.6; Fig.7; and col.5, lines 57-65: “are immediately transmitted to all other computers Ri in the same chronological sequence as the implemented changes”).

**DEPENDENT:**

As per **claims 43 and 44**, which depends on claim 42, Berger teaches further comprising:

creating a plurality of additional respective (third) audio/video messages on the first workstation or on the second workstation or on respective additional (third) workstations at respective times later than at least the first time (see col.3, lines 33-39: “all delete operations or create operations”);

transferring a copy of selected ones of the plurality of additional respective (third) audio/video messages to the server (see Fig.7 and col.5, lines 57-63: “the messages about changes made to the data copies DKi that are respectively stored in the memories SPi of the respective computers Ri”);

placing the transferred selected additional respective (third) audio/video messages in at least a second temporally independent pseudo-chronology relative to the first audio/video message and the at least second audio/video message determined by respective users of the first workstation or of the second workstation or of the respective additional (third) workstations (see claim 42 rejection above); and

storing on the server the first audio/video message, the at least second audio/video message, and the selected additional respective (third) audio/video messages in the at least second temporally independent pseudo-chronology (see Fig.6; Fig.7; and col.5, lines 57-65: "are immediately transmitted to all other computers Ri in the same chronological sequence as the implemented changes").

(**Note:** see independent claim 42 rejection above: repeating the same functional steps previously taught does not render the invention novel).

As per **claims 46, 51 and 53**, which respectively depend on claims 45, 50 and 52, Berger further teaches wherein the placing of the at least second audio/video message is performed concurrently with its creation (see col.5, line 63: "immediately transmitted").

As per **claims 47**, which depends on claims 45, Berger teaches further comprising:

(f) creating on the workstation a plurality of additional respective audio/video messages at respective times later than the first time (see col.3, lines 33-39: "all delete operations or create operations");

(g) placing each additional respective audio/video messages in a temporally independent pseudo-chronology relative to the first audio/video message and the second audio/video message determined by the users of the workstation (see claim 45 rejection above);

(h) storing on the workstation each respective temporally independent pseudo-chronology of audio/video messages as each respective temporally independent pseudo-chronology is created (see Fig.6; Fig.7; and col.5, lines 57-65: "are immediately transmitted to all other computers Ri in the same chronological sequence as the implemented changes"); and

(i) replacing an earlier respective temporally independent pseudo-chronology with a later respective temporally independent pseudo-chronology selected by the user of the workstation (see col.7, lines 41-45).

(**Note:** see independent claim 45 rejection above: repeating the same functional steps previously taught does not render the invention novel)

As per **claim 48**, which depends on claim 47, Berger further teaches wherein the placing of the at least second audio/video message is performed concurrently with its creation (see col.5, line 63: "immediately transmitted").

As per **claim 49**, which depends on claim 47, Berger further teaches wherein the replacing of an earlier respective temporally independent pseudo-chronology with a later respective temporally independent pseudo-chronology is performed substantially concurrently with the storing on the workstation of each respective temporally

independent pseudo-chronology (see col.5, line 63: "immediately transmitted to all other computers Ri in the same chronological sequence as the implemented changes").

As per **claims 55 and 58**, which respectively depend on claims 45 and 42, Berger further teaches wherein the user of the workstation is a creator of the at least second audio/video message (see col.7, lines 27-31).

As per **claims 56 and 57**, which both depend on claim 42, Berger further teaches wherein transferring a duplicate of the created at least first and at least second audio/video message to the server is responsive to a connection between the respective first and second workstation and the server (see col.6, lines 3-7)

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 42-53 have been considered but are moot in view of the new ground(s) of rejection. After further searching and consideration Berger et al. (US 5,948,057) has been cited to teach all the limitations of claims 42-58.

### ***Conclusion***

7. For the reasons above claims 42-58 have been rejected and remain pending.
8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL Y. WON whose telephone number is (571)272-3993. The examiner can normally be reached on M-Th: 10AM-8PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Won/

Primary Examiner

April 6, 2009